

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
APRIL 14, 2005
BUREAU OF LAND AND WASTE MANAGEMENT

Solid Waste Enforcement

- 1) Order Type and Number: Consent Order 05-03-RW
 Order Date: February 3, 2005
 Respondent: **PSE&G Nuclear, L.L.C.**
 Facility: Salem Generating Station
 Location/Mailing Address: P.O. Box 236
 Hancock's Bridge, NJ 08038
 County: Hancock's Bridge, NJ
 Previous Orders: None
 Permit/ID Number: 0018-29-04-X
 Violations Cited: South Carolina Radioactive Waste
 Transportation and Disposal Act of 1976 (Act), Transportation of
 Radioactive Waste Regulation 61-83 (Regulation), Section 1.2; and, S.C.
 Radioactive Material License # 097 (License), Amendment # 48, Condition
 61.

Summary: PSE&G Nuclear, L.L.C. (Company) failed to package a shipment of radioactive waste to the Chem-Nuclear disposal facility in Barnwell, South Carolina, in a manner that would prevent the release of radioactive waste into the shipping container. This constitutes a violation of the Regulation and the License.

Action: The Company agreed to submit corrective action measures to the Department and to pay a civil penalty of one thousand dollars (**\$1,000.00**) by no later than thirty (30) days from the Order receipt date.

Hazardous Waste Enforcement

- 2) Order Type and Number: Consent Order 05-03-HW
 Order Date: February 9, 2005
 Respondent: **HealthSouth Surgery Center of
 Charleston**
 Facility: HealthSouth Surgery Center of
 Charleston
 Location/Mailing Address: 2690 Lake Park Drive
 North Charleston, S.C.
 County: Charleston
 Previous Orders: None
 Permit/ID Number: SC10-0304G

Violations Cited: The South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-140 (Rev. 2002), the Environmental Protection Fund Act, S.C. Code Ann. §48-2-50 et seq. (1993), the South Carolina Infectious Waste Management Regulations 61-105 F (4), and the Environmental Protection Fees Regulations 61-30 G (12).

Summary: HealthSouth Surgery Center of Charleston (Respondent), located in North Charleston, South Carolina, is a medical clinic that generates infectious waste. The Respondent has violated the South Carolina Infectious Waste Regulations as follows: failure to pay their 2004 Annual Infectious Waste Generator Fees in the amount of one hundred fifty dollars (\$150.00).

Action: The Respondent has agreed to: now and in the future, ensure compliance with the Infectious Waste Generator requirements as outlined in R.61-105; pay the 2004 Annual Infectious Waste Fees and outstanding penalties totaling two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of two hundred eighteen dollars and seventy-five cents (**\$218.75**).

3) Order Type and Number: Consent Order 05-04-HW
Order Date: February 3, 2005
Respondent: **Palmetto Health Baptist Medical Center**
Facility: Palmetto Health Baptist Medical Center
Location/Mailing Address: Taylor at Marion Street
Columbia, S.C. 29220
County: Richland
Previous Orders: None
Permit/ID Number: SC40-0219G
Violations Cited: The South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-140 (Rev. 2002), the Environmental Protection Fund Act, S.C. Code Ann. §48-2-50 et seq. (1993), the South Carolina Infectious Waste Management Regulations 61-105 F (4), and the Environmental Protection Fees Regulations 61-30 G (12).

Summary: Palmetto Health Baptist Medical Center, located in Columbia, South Carolina, is a medical clinic that generates infectious waste. The Respondent has violated the South Carolina Infectious Waste Regulations as follows: failure to pay their 2004 Annual Infectious Waste Generator Fees in the amount of one hundred fifty dollars (\$600.00).

Action: The Respondent has agreed to: now and in the future, ensure compliance with the Infectious Waste Generator requirements as outlined in R.61-105; pay the 2004 Annual Infectious Waste Fees and outstanding penalties totaling eight hundred twenty five dollars (\$825.00); and, pay a civil penalty in the amount of one hundred seventy five dollars (**\$175.00**).

Underground Storage Tank Enforcement

- 4) Order Type and Number: Consent Order 04-0948-UST
 Order Date: January 31, 2005
 Respondent: **Vander Fleming d/b/a Fleming's Quick Stop & Shop**
 Facility: C & C Quick Stop
 Location/Mailing Address: SC 261 E., Rt. 2 Box 88
 Manning, SC 29102
 County: Clarendon
 Previous Orders: None
 Permit/ID Number: 02444
 Violations Cited: UST Control Regulations, R.61-92, §280.31(a); R.61-92, §280.34(c); R.61-92, §280.93(a); and R.61-92, §280.110(c).

Summary: Vander Fleming owns and operated underground storage tanks located on SC 261 East in Manning, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to operate and maintain corrosion protection equipment continuously, failure to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental petroleum releases, and failure to supply records to the Department upon request.

Action: The owner stated that he does not have the resources to comply with the order by repairing the corrosion protection system and demonstrating financial responsibility, or to pay the civil penalty of one thousand dollars (**\$1,000**). The enforcement project manager sent a financial determination package for the owner to complete but there has been no response.

- 5) Order Type and Number: Administrative Order 04-0251-UST
 Order Date: December 22, 2004
 Respondent: **Peter Miller**
 Facility: Miller's Convenience Store
 Location/Mailing Address: 4213 Savannah Hwy
 Ravenel, S.C. 29470
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 16779
 Violations Cited: UST Control Regulations, R.61-92, §280.40(a); R.61-92, §280.34(c).

Summary: Peter Miller owns and operates underground storage tanks located at 4213 Savannah Highway in Ravenel, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as

follows: failure to provide an adequate release detection method and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of four thousand two hundred eighteen dollars (**\$4,218.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by providing release detection records. The Administrative Order was not appealed.

BUREAU OF WATER

Drinking Water Enforcement

6) Order Type and Number: Consent Order 05-018-DW
Order Date: February 14, 2005
Respondent: **Piper Plumbing L.L.C.**
Facility Name: Shipmaster Villa Complex
Facility Address: 63 Shipyard Dr.
Hilton Head, S.C. 29928
County: Beaufort
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. § 44-55-80(B)

Summary: Piper Plumbing, L.L.C. (Respondent) is responsible for the proper repair of a broken water line that serves the residents of unit 1601, located at the Shipmaster Villa complex in Shipyard Plantation. The Respondent placed a camera, which had previously been used in sewer lines, into the water line, rendering a portion of the PWS inoperable because of possible contamination.

Action: The Respondent has agreed to: pay a civil penalty in the amount of seven hundred dollars (**\$700.00**).

Water Pollution Enforcement

7) Order Type and Number: Court Order 05-016-W
Final Order and Decision 04-ALJ-07-0273-CC
Order Date: February 3, 2005
Respondent: **Melvin L. Crum**
Facility: Crum Farms
Location/Mailing Address: 820 Gordon Drive
Rowesville, S.C. 29133
County: Orangeburg
Previous Orders: 04-113-W (**\$6,000**)

Permit/ID Number: 17,558-AG
Violations Cited: S.C. Code Ann. § 48-1-50(3) and S.C. Code Ann. Regs. 61-43.100.10(D)(3)

Summary: Melvin Crum (Respondent) owns and is responsible for the proper operation and maintenance of Crum Farms. The Respondent has violated the Pollution Control Act and the Standard for the Permitting of Agricultural Animal Facilities as follows: failed to obtain an agricultural permit for his swine facility; and failed to provide a waste storage lagoon.

Action: The Court has ordered the Respondent to: submit written notification of his election to undertake one of two options included in the Order: **Option 1** - shutdown the Crum Farms swine facility (meaning the waste management pond will no longer service any swine) and pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**); or **Option 2** – obtain a Waste Management Plan, have a monitoring well constructed; obtain a permit for Crum Farms (or be substantially into the permitting process to the satisfaction of the Court and the Department); and pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**). A **stipulated penalty** of six thousand dollars (**\$6,000.00**) is also assessed should the Respondent fail to comply with one of the options listed in the Order.

8) Order Type and Number: Consent Order 05-017-W
Order Date: February 9, 2005
Respondent: **City of Myrtle Beach**
Facility: City of Myrtle Beach Water Reclamation Facility
Location/Mailing Address: P.O. Box 2468
Myrtle Beach, S.C. 29578-2468
County: Horry
Previous Orders: 00-010-W (**\$2,400**) (3 Amendments)
Permit/ID Number: SC0039039
Violations Cited: S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.21(d)(1)

Summary: The City of Myrtle Beach (Respondent) owns and is responsible for the proper operation and maintenance of a water reclamation facility. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits as follows: failed to submit an administratively complete application for the renewal of the National Pollutant Discharge Elimination System (NPDES) permit 180 days prior to the expiration date.

Action: The Respondent has agreed to: comply with all permitting and reporting requirements in accordance with State and Federal regulations; and continue to operate the water reclamation facility in accordance with the existing NPDES permit until a new permit becomes effective.

- 9) Order Type and Number: Consent Order 05-019-W
 Order Date: February 17, 2005
 Respondent: **Dempsey Enterprises, LLC**
 Facility: Dempsey Mini Storage
 Location/Mailing Address: 408 Red Maple Way
 Clemson, S.C. 29631-2084

 County: Pickens
 Previous Orders: None
 Permit/ID Number: SCR100000 (certif. #SCR108921)
 Violations Cited: S.C. Code Ann. §§ 48-1-90(a), 48-1-110(d) and S.C. Code Ann Regs. 619.122.41(a)

Summary: Dempsey Enterprises, LLC (Respondent) is responsible for land clearing and construction activities at Dempsey Mini Storage. The Respondent has violated the Pollution Control Act as follows: failed to properly install and maintain all storm water and sediment control devices; and discharged sediment into waters of the State.

Action: The Respondent has agreed to: comply with State and Federal Regulations and guidelines; and pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**).

- 10) Order Type and Number: Consent Order of Dismissal 05-020-W
 Order Date: February 9, 2005
 Respondent: **David Brooker and Mildred Brooker d/b/a Brookforest Mobile Home Park (MHP)**

 Facility: Brookforest MHP WWTF
 Location/Mailing Address: c/o 80 Hillmark Drive
 Columbia, S.C. 29210

 County: Lexington
 Previous Orders: 03-204-W (**\$3,000**)
 Permit/ID Number: SC0031178
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.21(d)(1)

Summary: David Brooker and Mildred Brooker d/b/a Brookforest MHP (Respondents) own and are responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondents have violated the Pollution Control Act and Water Pollution Control Permits as follows: failed to eliminate the discharge from their WWTF 180 days after being notified that regional sewer service was available.

Action: The Consent Order of Dismissal releases the Respondents from having to perform any corrective actions or eliminate the discharge from the facility.

- 11) Order Type and Number: Consent Order 05-021-W
Order Date: February 15, 2005
Respondent: **Grand Strand Water & Sewer Authority**
Facility: Schwartz WWTF
Location/Mailing Address: P.O. Box 2368
Conway, S.C. 29528
County: Horry
Previous Orders: None
Permit/ID Number: SC0037753
Violations Cited: S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.21(d)(1)

Summary: Grand Strand Water and Sewer Authority (Respondent) is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits as follows: failed to submit an administratively complete application for the renewal of its NPDES permit 180 days prior to the expiration date.

Action: The Respondent has agreed to: comply with all permitting and reporting requirements in accordance with State and Federal regulations; continue to operate the WWTF in accordance with the existing NPDES permit until a new permit becomes effective; and pay a civil penalty in the amount of one thousand four hundred dollars (\$1,400.00).

- 12) Order Type and Number: Consent Order of Dismissal 05-022-W
Order Date: February 15, 2005
Respondent: **Jackson Point Development, Inc.**
Facility: Blue Ridge Plantation
Location/Mailing Address: P.O. Box 322
Taylors, S.C. 29687
County: Greenville
Previous Orders: 04-157-W (\$50,000)
Permit/ID Number: SCR106822
Violations Cited: S.C. Code Ann. § 48-1-90(a), S.C. Code Ann. Regs. 61-9.122.41(a) and (e) and 61-68(E)(5)(d)

Summary: Jackson Point Development, Inc. (Respondent) owns and is responsible for development and construction activities at the Blue Plantation Development (Site). The Respondent has violated the Pollution Control Act, Water Pollution Control Permits, and Water Classifications and Standards as follows: failed to properly operate and maintain all facilities and systems of treatment and

control; discharged sediments into waters of the State; and discharged sediments into waters of the State which is harmful to aquatic life.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit an administratively complete application for a stormwater discharge permit; submit a report from a South Carolina Registered Professional Engineer certifying that all stormwater and sediment controls have been installed and are properly functioning; pay a civil penalty in the amount of twenty-five thousand dollars (\$25,000.00) in quarterly installments; and pay a **stipulated penalty** in the amount of twenty-five thousand dollars (\$25,000.00) if it fails to meet any requirement in the Order.

BUREAU OF AIR QUALITY

13) Order Type and Number: Consent Order 05-002-A
Order Date: February 3, 2005
Respondent: **Rhino Demolition & Environmental Services Corp.**
Facility: Rhino Demolition & Environmental Services Corp.
Location/Mailing Address: 108 Case Street
Little River, SC 29566-7110
County: Horry
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(c) and 61.145(c)(6)(i), and South Carolina Air Pollution Control Regulations 61-86.1, Section IV.C.3.a., Section V.B.1.b., Section V.D., Section V.D.1.a.(8), Section V.D.1.a.(12), and Section V.D.2.b.(1)

Summary: Rhino Demolition & Environmental Services Corp. (Respondent) is a licensed asbestos abatement contractor. The Respondent violated Federal and State asbestos regulations as follows: failure to adhere to all required work practice requirements for an asbestos project involving regulated asbestos-containing materials (RACM), failure to adequately wet RACM and ensure that it remained wet until collected and contained for disposal, failure to ensure that each worker employed at the abatement project site met the applicable licensing requirements, failure to update the project notification and pay fees as necessary when previously notified information changed, failure to use polyethylene sheeting to isolate contaminated from uncontaminated areas and ensure that it was properly maintained at all times, and failure to construct a five-stage decontamination enclosure system in accordance with Department regulations.

Action: The Respondent has agreed to: adhere to all required work practice requirements for an asbestos project involving RACM; ensure that no workers

engage in an asbestos project involving RACM unless licensed by the Department; update the project notification and pay fees as necessary when previously notified information changes; and pay to the Department a civil penalty in the amount of ten thousand dollars (**\$10,000.00**) payable in four equal payments of two thousand, five hundred dollars (\$2,500.00) each. Respondent has paid the first payment of the penalty.

- 14) Order Type and Number: Consent Order 05-004-A
 Order Date: February 24, 2005
 Respondent: **B&T Demolition and Abatement Co.**
 Facility: B&T Demolition and Abatement Co.
 Location/Mailing Address: 1725 Mohawk Drive
 Hartsville, SC 29550-9477
 County: Clarendon, Horry, and Sumter
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: U.S. EPA 40 CFR 61.145(b)(3)(i) and
 61.145(c), and South Carolina Air Pollution Control Regulations 61-86.1,
 Section III.A.1. and 2., Section IV.B.5., Section IV.H., Section IV.H.2.g.,
 Section V.B.1.a., Section V.D., Section XIII.B.1.a., and Section XIV.D.4.c.

Summary: B&T Demolition and Abatement Co. (Respondent) is a demolition contractor. The Respondent violated Federal and State asbestos regulations as follows: failure to provide the Department with written notification of intent to demolish at least 10 working days prior to demolition; failure to provide the Department with written notification at least 10 working days prior to beginning an asbestos project; failure to meet the work practice requirements for an asbestos project; failure to obtain an asbestos project license prior to beginning an asbestos project; failure to use workers licensed by the Department for an asbestos project involving regulated asbestos-containing materials (RACM); failure to properly store and dispose of RACM; failure to provide the Department with a copy of completed waste shipment records within 45 days of completion of an abatement project involving RACM; failure to obtain an asbestos project license from the Department prior to beginning demolition of a building; and failure to provide the Department with a copy of completed waste shipment records within 30 days of completion of two additional demolitions involving disposal of non-regulated asbestos-containing materials (ACM).

Action: Respondent has agreed to: provide written notice of intent to demolish at least 10 working days prior to beginning demolition of any regulated building or structure; obtain an asbestos project license prior to beginning demolition of any regulated building or structure; provide the Department with the applicable written notice of intent prior to beginning any asbestos project involving RACM; obtain an asbestos project license prior to beginning any asbestos project involving RACM; ensure that no workers engage in an asbestos project involving RACM unless licensed by the Department; ensure that RACM is stored and

15) Order Type and Number: Consent Order 05-005-A
Order Date: February 24, 2005
Respondent: **Mr. Todd Talbert**
Facility: Mr. Todd Talbert
Location/Mailing Address: 1725 Mohawk Drive
 Hartsville, SC 29550-9477
County: Charleston
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(b)(3)(i), and
 South Carolina Air Pollution Control Regulations 61-86.1, Section IV.B.5.,
 Section XIII.B.1.a., and Section XIII.B.F.2.

Action: Respondent has agreed to: provide written notice of intent to demolish at least 10 working days prior to beginning demolition of any regulated building or structure; obtain an asbestos project license prior to beginning demolition of any regulated building or structure; dispose of ACM at a landfill approved by the Department to accept ACM; complete a 40-hour Department-approved asbestos supervisor course and submit written verification indicating completion of the course; and pay to the Department a civil penalty in the amount of two thousand dollars (**\$2,000.00**). The penalty is due March 26, 2005.

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Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a), 61.145(b)(3)(i), and 61.145(c), and South Carolina Air Pollution Control Regulations 61-86.1, Section III.A.1. and 2., Section IV.B.1., Section IV.B.5., Section V.B.1.a., and Section V.D.

Summary: Wil Lou Gray Opportunity School (Respondent) is an alternative public school that provides training for people interested in continuing their elementary or high school education or taking courses in preparation for college. The Respondent violated Federal and State asbestos regulations as follows: failure to thoroughly inspect for the presence of asbestos prior to the commencement of renovations; failure to ensure that a licensed asbestos building inspector performed an asbestos survey prior to the beginning of renovations; failure to provide the Department with written notice at least 10 working days before beginning removal of regulated asbestos-containing materials (RACM); failure to obtain an asbestos project license from the Department prior to beginning an asbestos project; failure to use workers licensed by the Department prior to engaging in an asbestos project involving RACM; and failure to adhere to the required work practice requirements for an asbestos project involving RACM.

Action: Respondent has agreed to: provide the applicable written notice of intent prior to beginning any asbestos project involving RACM; obtain an asbestos project license prior to beginning any asbestos project involving RACM; ensure that no workers engage in an asbestos project involving RACM unless licensed by the Department; ensure that a valid asbestos survey is performed prior to the beginning of any renovation or demolition of any regulated building or structure; and pay to the Department a civil penalty in the amount of five thousand six hundred dollars (**\$5,600.00**) payable in two equal payments of two thousand, eight hundred dollars (\$2,800.00) each.

17) Order Type and Number: Consent Order 05-007-A
Order Date: February 24, 2005
Respondent: **Butler Ware Trucking**
Facility: None
Location/Mailing Address: PO Box 1558
Monks Corner, SC 29461
County: Berkley County
Previous Orders: Order No. 02-098-A (**\$3,500**)
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning, and Consent Order 02-098-A.

Summary: Butler Ware Trucking (Respondent), located in Monks Corner, South Carolina, is a land clearing and trucking business. The Respondent has

violated the Regulation as follows: burning land-clearing debris less than 1,000 feet from a public roadway.

Action: The Respondent has agreed to cease open burning except as in compliance with Department regulations for open burning and pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**). The penalty is due March 24, 2005.